

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

AMERICAN MANUFACTURERS MUTUAL  
INSURANCE COMPANY,

Plaintiff,

vs.

TOWN OF NORTH BROOKFIELD,

Defendant.

Civil Action No. 03-40266 CBS

**JOINT MOTION FOR LEAVE TO TAKE DEPOSITION AFTER TRACKING  
DEADLINE**

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Plaintiff, American Manufacturers Mutual Insurance Company (“AMMIC”), and Defendant, Town of North Brookfield (the “Town”) (collectively, the “Parties”), by way of undersigned counsel, hereby move this Court to grant leave from the current Tracking Order for the limited purpose of allowing AMMIC to take the expert deposition of Lee P. Dore. As grounds for its Motion, the Parties state as follows:

1. Mr. Dore’s deposition is currently scheduled for December 7, 2005. The Parties do not seek to extend the current Tracking Order, but only seek leave for the limited purpose of conducting Mr. Dore’s deposition outside the current November 18, 2005 deadline. The remaining tracking deadlines are as follows:

- Expert depositions to be completed by 11/18/05.
- All dispositive motions, including motions for summary judgment, are to be filed by 12/16/05 and oppositions are to be filed by January 20, 2005 pursuant to Local Rule 7.1.
- One reply brief may be filed per opposition, as of right, by 1/31/05 and any subsequent reply briefs by leave of Court.

- A final pretrial conference will be set by Magistrate Charles B. Swartwood, and must be attended by trial counsel. Counsel shall be prepared to commence trial as of the date of the final pretrial conference.

2. The Parties have completed all expert and supplemental expert reports.

3. This request is not the result of either party's delay – but reflects the availability of Mr. Dore and counsel. Both Parties have tried but were unable to schedule a date for Mr. Dore's deposition prior to the current November 18, 2005 deadline.

4. Leave to depose Mr. Dore will not affect the Parties' ability to meet the remaining tracking deadlines.

WHEREFORE, the Parties respectfully request that this Court allow the Motion and grant leave for AMMIC to take the deposition of Lee Dore after the November 18, 2005 deadline.

Respectfully submitted,

Town of North Brookfield

American Manufacturers Mutual Insurance  
Company

By its attorneys,

By its attorneys,

/s/ Thomas W. McEnaney  
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Dated: November 11, 2005.

**CERTIFICATE OF SERVICE**

I, Jeff D. Bernarducci, counsel to the Plaintiff, American Manufacturers Mutual Insurance Company, in the above-captioned matter, do hereby certify that on November 11, 2005, I served a copy of the Joint Motion for Leave to take Deposition After Tracking Deadline by way of electronically filing the same through ECF, to:

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